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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

THE UNITED STATES OF AMERICA,	)	<b>Case No. CR 11-0146 SBA</b>
	)	
Plaintiff,	)	<b>STIPULATION AND</b>
	)	<b>ORDER FOR</b>
vs.	)	<b>CONTINUANCE</b>
	)	
JUDY RAE JARVIS,	)	
	)	
Defendant.	)	
	)	

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The parties last appeared before the duty magistrate for a status conference on October 2, 2012. At that conference the parties requested more time to allow the defense to review and investigate new discovery related to uncharged tax violations. The court granted the parties request and excluded time. The status conference is currently set for February 26, 2013. After completing its review of the tax related discovery provided by the government, the defense retained an expert to calculate the tax loss based upon evidence from its completed investigation. In order for this expert to synthesize this information and complete a report, an additional sixty (60) days is needed. For that reason the parties have agreed to continue the status conference to April 30, 2013 and ask the Court to order:

1. This matter shall be set for a status conference before the duty magistrate on April 30, 2013 at 9:30 a.m.
2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161,

1 from February 26, 2013 to April 30, 2013. Failure to grant the requested continuance  
2 would unreasonably deny defense counsel time necessary for effective preparation,  
3 taking into account the exercise of due diligence and the need for the defense to  
4 complete its investigation related to potential tax fraud charges the government may  
5 seek in an anticipated superceding indictment.

6 3. Given these circumstances, the Court finds that the ends of justice served by  
7 excluding the period between February 26, 2013 through April 30, 2013, outweigh  
8 the best interest of the public and the defendant in a speedy trial and filing an  
9 indictment or information. 18 U.S.C. §3161(h)(7)(A).

10 4. Accordingly, and with the consent of the defendant, the Court orders that the period  
11 from February 26, 2013 to April 30, 2013, be excluded from the Speedy Trial Act  
12 calculations under 18 U.S.C. §3161(h)(7)(A) and (B)(iv).

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16 IT IS SO STIPULATED:

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18 Dated: February 19, 2013

19 /s/  
BRIAN C. LEWIS  
Assistant United States Attorney

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21  
22 Dated: February 19, 2013

23 /s/  
DEBORAH G. LEVINE  
Attorney for Judy Rae Jarvis

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**ORDER**

UPON STIPULATION OF THE PARTIES AND FOR GOOD CAUSE SHOWN, it is hereby ordered that the status conference currently scheduled for February 26, 2013 may be continued to April 30, 2013 at 9:30 a.m.

IT IS FURTHER ORDERED that time is excluded based upon the defendant's need for adequate preparation and continuity of counsel according to the provisions of the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A) and (B)(iv). The Court finds that the interests of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial and failure to grant the continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

Dated: 2/20/2013



DONNA M. RYU  
UNITED STATES MAGISTRATE JUDGE